



Reprinted  
February 10, 2009

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## HOUSE BILL No. 1043

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DIGEST OF HB 1043 (Updated February 9, 2009 1:37 pm - DI 96)

**Citations Affected:** IC 9-13; IC 9-17; IC 9-18; IC 9-21; noncode.

**Synopsis:** Mini-trucks and trucks. Authorizes the use of mini-trucks on Indiana roads. Prohibits the operation of a mini-truck on an interstate or state highway. Requires a mini-truck that is operated on a highway to be titled and registered. Requires a dealer of mini-trucks to register as a dealer. Makes conforming amendments. Prohibits a vehicle from operation on a highway with a sign or label on the vehicle indicating that the owner or operator of the vehicle is not responsible for damages from contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle. Provides that a sign or label that is affixed to a vehicle does not condition or limit the civil liability of the owner or operator for damages resulting from the contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle.

**Effective:** Upon passage; July 1, 2009.

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**Wolkins, Grubb, Friend, Oxley**

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January 7, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

January 14, 2009, reassigned to Committee on Roads and Transportation.

February 5, 2009, amended, reported — Do Pass.

February 9, 2009, read second time, amended, ordered engrossed.

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HB 1043—LS 6357/DI 96+



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1043

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.131-2008,  
2       SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec. 42. (a) "Dealer" means, except as otherwise  
4       provided in this section, a person who sells to the general public,  
5       including a person who sells directly by the Internet or other computer  
6       network, at least twelve (12) vehicles each year for delivery in Indiana.  
7       The term includes a person who sells off-road vehicles **and**  
8       **mini-trucks**. A dealer must have an established place of business that  
9       meets the minimum standards prescribed by the bureau under rules  
10      adopted under IC 4-22-2.  
11      (b) The term does not include the following:  
12          (1) A receiver, trustee, or other person appointed by or acting  
13          under the judgment or order of a court.  
14          (2) A public officer while performing official duties.  
15          (3) A person who is a dealer solely because of activities as a  
16          transfer dealer.  
17      (c) "Dealer", for purposes of IC 9-31, means a person that sells to



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the general public for delivery in Indiana at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft; per year.

SECTION 2. IC 9-13-2-103.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 103.1. "Mini-truck" means a truck that:**

**(1) is powered by an internal combustion engine with a piston or rotor displacement of not less than six hundred sixty (660) cubic centimeters;**

**(2) is sixty (60) inches or less in width;**

**(3) has an unladen dry weight of one thousand six hundred (1,600) pounds or less;**

**(4) can achieve a top speed of not more than sixty (60) miles per hour;**

**(5) is manufactured with a locking enclosed cab and a heated interior; and**

**(6) is operated on a highway.**

SECTION 3. IC 9-17-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a)** This article does not apply to farm wagons or to a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.

**(b) IC 9-17-2, IC 9-17-3, IC 9-17-4, IC 9-17-5, and IC 9-17-8 apply to a mini-truck.**

SECTION 4. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. This article applies to a mini-truck with the exception of the following:**

**(1) IC 9-18-7.**

**(2) IC 9-18-9 through IC 9-18-11.**

**(3) IC 9-18-13.**

**(4) IC 9-18-27.**

SECTION 5. IC 9-21-8-46, AS AMENDED BY P.L.210-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 46. (a)** A person may not drive or operate:

**(1) an implement of agriculture designed to be operated primarily**

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1 in a farm field or on farm premises; or

2 (2) a piece of special machinery; or

3 **(3) a mini-truck;**

4 upon any part of an interstate highway.

5 **(b) In addition to the prohibition set forth in subsection (a), a**  
 6 **mini-truck may not be operated on a highway designated as a part**  
 7 **of the state highway system under IC 8-23-4-2.**

8 SECTION 6. IC 9-21-8-48 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 48. **(a)** A vehicle,  
 10 except:

11 (1) a vehicle containing poultry or livestock being transported to  
 12 market; or

13 (2) a highway maintenance vehicle engaged in spreading sand or  
 14 deicing chemicals;

15 may not be driven or moved on a highway if the vehicle's contents are  
 16 dripping, sifting, leaking, or otherwise escaping from the vehicle.

17 **(b) Notwithstanding subsection (a), a vehicle may not be**  
 18 **operated on a highway with a sign or label affixed to the vehicle**  
 19 **indicating that the owner or the operator of the vehicle is not**  
 20 **responsible for damage resulting from contents of the vehicle that**  
 21 **have dripped, sifted, leaked, or otherwise escaped from the vehicle.**

22 **(c) A sign or label affixed to a vehicle as set forth in subsection**  
 23 **(b) does not condition or limit the civil liability of the owner or**  
 24 **operator for damages resulting from contents of the vehicle that**  
 25 **have dripped, sifted, leaked, or otherwise escaped from the vehicle.**

26 SECTION 7. [EFFECTIVE UPON PASSAGE] **(a)** As used in this  
 27 SECTION, "bureau" means the bureau of motor vehicles created  
 28 by IC 9-14-1-1.

29 **(b)** As used in this SECTION, "mini-truck" has the meaning set  
 30 forth in IC 9-13-2-103.1, as added by this act.

31 **(c)** Before July 1, 2009, in accordance with IC 6-6-5-3(b), the  
 32 bureau shall determine the true tax value for each make and model  
 33 of mini-truck, subject to review and adjustment by the department  
 34 of local government finance.

35 **(d)** This SECTION expires December 31, 2010.

36 SECTION 8. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1043, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 1, line 7, delete "and, after" and insert "**and**".
- Page 1, line 8, delete "December 31, 2009,".
- Page 2, line 12, delete "a foreign manufactured import truck that is".
- Page 2, line 14, after "of" insert "**not less than**".
- Page 2, line 14, after "centimeters" insert ";".
- Page 2, line 14, delete "or".
- Page 2, delete line 15.
- Page 2, delete lines 21 through 22.
- Page 2, line 23, delete "(6)" and insert "**(5)**".
- Page 2, line 25, delete "(7)" and insert "**(6)**".
- Page 2, line 33, after "mini-truck" insert ".".
- Page 2, line 33, delete "after December 31, 2009.".
- Page 2, line 36, delete "After December 31, 2009, this" and insert "**This**".
- Page 3, line 2, after "46." insert "**(a)**".
- Page 3, line 6, delete "after December 31, 2009,".
- Page 3, between lines 7 and 8, begin a new paragraph and insert:  
**"(b) In addition to the prohibition set forth in subsection (a), a mini-truck may not be operated on a highway designated as a part of the state highway system under IC 8-23-4-2."**
- Page 3, line delete lines 8 through 42.
- Page 4, delete lines 1 through 17.
- Page 4, line 18, delete "JULY 1, 2009]" and insert "UPON PASSAGE]".
- Page 4, line 23, delete "January 1, 2010," and insert "July 1, 2009,".
- Page 4, after line 27, begin a new paragraph and insert:  
**"SECTION 7. An emergency is declared for this act."**
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1043 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 12, nays 0.

HB 1043—LS 6357/DI 96+



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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1043 be amended to read as follows:

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 6. IC 9-21-8-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 48. **(a)** A vehicle, except:

- (1) a vehicle containing poultry or livestock being transported to market; or
- (2) a highway maintenance vehicle engaged in spreading sand or deicing chemicals;

may not be driven or moved on a highway if the vehicle's contents are dripping, sifting, leaking, or otherwise escaping from the vehicle.

**(b) Notwithstanding subsection (a), a vehicle may not be operated on a highway with a sign or label affixed to the vehicle indicating that the owner or the operator of the vehicle is not responsible for damage resulting from contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle.**

**(c) A sign or label affixed to a vehicle as set forth in subsection (b) does not condition or limit the civil liability of the owner or operator for damages resulting from contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1043 as printed February 6, 2009.)

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